

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 15-4350

JOSEPH GARRETT,

Defendant.

MOTION TO WITHDRAW & TO APPOINT SUCCESSOR COUNSEL

Comes now, undersigned counsel, L. Richard Walker, Esq., on behalf of the Appellant, Joseph Garrett, moving this Court that he be allowed to withdraw as counsel for the Appellant due to a conflict of interest. The Court is further respectfully requested to appoint successor counsel for the Appellant. In support of the instant motion, the undersigned relies upon the following grounds:

1. Undersigned counsel represented the Appellant at the trial level in the United States District Court for the Northern District of West Virginia in United States of America v. Joseph Garrett, 1:14CR57. The Appellant proceeded to a jury trial on a 2-count felony indictment and was convicted of one count of felon in possession of a firearm and one count of possession of a NFA firearm not registered to a person in the national firearms registration and transfer record. The Appellant was sentenced to a total effective sentence of 120 months in prison.

2. After trial, and during the course of this appeal, the relationship between undersigned counsel and the Appellant changed course. On August 3, 2015, the Appellant sent undersigned a curt, unsigned, handwritten letter accusing undersigned counsel of offering false testimony at trial on the Appellant's behalf while at the same time failing to subpoena other helpful witnesses to the trial.

3. While undersigned counsel completely disagrees with the suggestion that he was not effective or ethical during the trial, it is obvious that the attorney-client relationship is on course for a breakdown. As such, undersigned counsel requests that successor counsel be appointed for Appellant so that there is no question about a conflict of interest or the adequacy of the representation on appeal.

WHEREFORE, based on the forgoing, the Court is respectfully requested to grant the undersigned's motion for successor counsel for the Appellant for purposes of appeal.

DATED this the 5th day of August, 2015.

Respectfully submitted,

JOSEPH GARRETT

By Counsel

By: /s/ L. Richard Walker
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CERTIFICATION OF SERVICE

I hereby certify that on August 5, 2015, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of West Virginia, which will send notification of such filing to the following CM/ECF user:

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